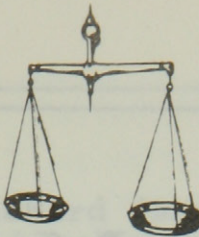


Quid Novi



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McGILL UNIVERSITY FACULTY OF LAW

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MCGILL UNIVERSITY

Students Elect Dean's Rep.

by Ian Fraser

Your reporter was comfortably seated in his Moot Court chair at 12:05; the Assembly having been called for noon. With him was LSA president Steve Fogarty and the rest of the LSA Council members (saving J.P. Blais, who, tidying up an External Affair, appeared somewhat later). Elsewhere in the room dozens upon dozens of other LSA members - i.e., fellow students - made up a total of 57.

The duly Assembled masses, being 43 short of the constitutional quorum, made of themselves an "information session", while Michael Shuster and Brian Ward captained snatch squads which scoured the library, the front lawn, and the nether reaches of the Pit for those 43 heads.

That process occupied some 25 minutes. In the meantime, those present in the MC benefited from information concerning several important subjects. President Fogarty introduced the 1983-84 LSA Executive, and announced the imminent first-year class president elections, the Thursday first-year party at Thomson House, and the fact that exam numbers were available at SAO for those who wanted them. He spoke also of the exam schedules, always a matter of some passing in-

terest chez nous; 10 days for the first term and 13 days for the second. Fogarty lauded the elected class presidents who spent about nine days this past summer working these out. A 12-day first-term schedule had to be abandoned due to difficulties with the Faculty concerning the class cancellations it would entail.

The President also introduced to the Assembly the central concern of this meeting: the selection of the LSA representative on the University Board of Gov-

ernors Committee on the Selection of a Dean of the Faculty of Law, 1984-1989 term. As the Committee's title indicates, Dean Brierley will be stepping down at the close of the next winter term. This Committee is chaired by the President of the University and includes two Faculty members, professors Yves-Marie Morissette and John Durnford, and Roger Cutler as the Student Society representative. Ultimately it will recommend a "short list" of candidates for the Deanship.

Cont'd on p. 3

Sports and Marxism

The revolution in sports salaries has put a lie to the argument that Krazy Karl Marx could never have made it in the land of the Golden Arches. Throughout North America, professional athletes have risen as one to shed their chains and grasp the means of production. In a classic example of Marxist dialectic, the ruling class has attempted to short-circuit this popular uprising by throwing money at the problem. For example, forget the fact Dave Winfield earns over \$8000 per game and consider that in 1980 each one of Jim Essian's 29 rbi's cost the Chicago White Sox \$8620.

As any first year law student knows, the bargaining position between ownership and labour is only equal in terms of intellect and capability, while management has the distinct advantage of being a monopoly. How, then, have professional athletes been able to wrest such power from the owners? It cannot be because big-time sports is a huge enterprise. The average pro sports franchise has about the same revenue as a supermarket. The yearly gross of the four major sports is about \$830 million. That would rank 333 on the Fortune 500,

Cont'd on p. 4

Legal Marathoners

by F. Jasper Miles

Every year, toward the beginning of spring, the ultimate human endurance marathon is held in New York City. Competitors gather at a standard quarter-mile running track, and for six days they walk, run or crawl around the track, grabbing fitful moments to eat, sleep and drink, in an attempt to log the maximum distance possible. The record is a dizzying 500-odd miles for six days.

I first read about this marathon just after first year moots, and was naturally struck by the similarities: six days...fitful eat, sleep and drink...incredible test of human endurance...seemingly pointless expenditure of human energy. A vrai dire, the only difference appeared to be that, while they were pounding the cinders, we were pounding the tomes and the Smith Corona.

Now that my law school days are rapidly drawing to a close, and I am imbued with all the commensurate knowledge, I have come to realize how apt a metaphor "marathon" is for our activities here. If it's not marathon mooting or marathon cramming for finals, it's marathon resumé mailing and, from time to time, marathon drug-crazed "sauve qui peut" partying.

It is just this sort of Marathon mindset which is compelling (take note first-year criminal students -- "compelling") at least half a dozen McGill law students to take on the gruelling 26-mile Montreal International Marathon this Sunday.

Confirmed participants include, so far, Claire Rothman, Jill Hugessen, Mike Larivière, Ian Fraser, Rick Goldman, and Gary "Speed" Lawrence.

Above and beyond the common law school overkill mindset, the runners cite a wide variety of reasons for participating in what, after all, 15 years ago would have been considered a mindless exercise in "masochism on stilts", to paraphrase Jeremy Bentham.

In Claire's view, "The Marathon is an overwhelmingly aesthetic experience. The immense effort summoned from mind and body allows one to experience a new frontier in spiritual togetherness. There are feelings of enhanced self-sensitization and self-awareness, and a transcendent clarity of vision -- all in all, a sort of holiness."

Gary's reasons are somewhat different: "Geez, like I just love all kinds of physical exertion, and the Marathon really allows me to work up a good strong sweat! I really go for the feeling of knowing that every muscle of the body is rippling with the strain of going all out -- of giving 110 per cent! In fact, to add to that effect, I plan to stop every five or ten kilometers to do a couple of sets of push-ups and sit-ups!"

Jill was perhaps the most philosophical in stating her reason: "It's like banging your thumb with a hammer -- it feels so good when you stop."

Several of the law school marathoners will be participating at the same time in a

"Marathon of Peace" organized by Montreal Disarmament groups, headed up by Dr. Don Bates of the McGill Faculty of Medicine (see his article in the Law Journal's Disarmament Issue). They will be wearing singlets bearing the ostensibly catchy slogan, "Legs for Peace, not Arms for War". According to Rick, he and possibly others will be soliciting sponsors for Project Ploughshares McGill, a student club which has helped organize speeches and debates on the arms race at the Law Faculty and across campus, but which was denied funding by the Students' Society this year.

If you're interested in seeing fellow classmates push themselves until they drop, you don't have to wait until December, because the Montreal International Marathon goes right by the Roddick Gates this Sunday morning. The race starts on the Jacques Cartier Bridge at 9:20, and marathoners will be crossing the finish line all afternoon at Lafontaine Park.

Attention Women Athletes!

There will be intramural law teams for the following sports:

Soccer (women)
Flag Football (women)
Softball (Co-rec)

If you are interested in being on teams for any of the above, please sign up at the Sports board in the basement before September 20. Sign-up sheets for basketball, volleyball, and hockey will be posted in October.

General Assembly Cont'd from p. 1

The LSA Council appointed Richard Janda as interim representative last June -- elections at that point being unfeasible -- because the Committee was to begin meetings during the summer. One such meeting was held, at which it was decided to advertise outside of McGill University for candidates. Now that the law students had reassembled, President Fogarty was acting on a campaign promise to decide in a General Assembly who would represent the Faculty of Law students on the Committee.

At 12:30 quorum was reached. The floor was opened to nominations. Richard Janda was nominated by Gary Lawrence; John Limeburner by Gail Pinero. Todd Sloan and Steve Fogarty were also nominated but both declined, leaving a field of two.

John Limeburner spoke first, emphasizing the need for the new Dean, whoever he or she might be, to attract financial support for the Faculty. He stated that this was important at any time but particularly crucial now. Richard Janda mentioned this factor in his speech -- each candidate absented himself during the other's speech -- but attached more importance to the influence the new Dean would have on the directions the Faculty would be taking as a centre of academic law and as Quebec's anglophone law school. Subsequent questions from the floor brought out the "professional" and "academic" biases, respectively, of candidates Limeburner and Janda.

With no more questions forthcoming, the election was held under the supervision of Chief Returning Officer Arthur Evrensel. At 1:20 the results were an-

nounced: Richard Janda, 73 votes; John Limeburner, 43. Two ballots were spoiled. Janda, then, continues as our representative on the Dean Selection Committee. Limeburner is the alternate, and will take Janda's place in the event of the latter's resignation.

The next meeting of the Committee is Tuesday, Sept. 20. It should be noted that the proceedings are entirely confidential -- Richard and Roger are good for atmosphere but not details.

Before closing the assembly President Fogarty announced that, following a resolution passed by the LSA Council on Monday September 12, the LSA will hold a referendum concerning the Dean's selection. Two questions will be put to the members as soon as class lists are finalized, which should be in about two weeks. The first question will ask if students prefer the new Dean to be selected from among the present faculty members or from outside the school. The second question will ask students to name the faculty member they would most like to have chosen as Dean. The text of the referendum questions will be published in Quid Novi next week.

To All Groups, Associations, Societies:

Funding Requests Deadline -- 23 September 1983

If you are intending to seek funding from the LSA for the 1983-84 year, please submit your requests by 12:00 noon, Friday, 23 September 1983, at the LSA office in the mailbox marked "Treasurer".

Requests must be submitted in writing, showing a budget breakdown for the

Quote of the Week

Professor Morissette on civil procedure in the inquisitorial system in France: "Don't get me wrong. It works. They've had many revolutions in France but never over civil procedure."

LSA Council -- Speaker

Nominations have been opened for the position of Speaker of the Legislative Council of the Law Students' Association.

The speaker chairs all meetings of the LSA Council and ensures that its business is carried out in conformity with the LSA Constitution and its by-laws.

Persons interested may sign up for interviews and fill out an application form at SAO.

Each applicant will be interviewed by the LSA Council at its next meeting, to be held on Wednesday, September 28, 1983, at 7:00 p.m. in Room 202.

Deadline for applications to be submitted at the SAO is Wednesday, September 28, 1983 at 12:00 NOON.

**Stephen J. Fogarty
President**

year. Photocopies of receipts from last year and of quotations for planned events and expenses for this year are requested, wherever possible, to ensure that your request is given full consideration. You should also indicate the revenues you are requesting or expecting from other sources, such as the office of the Dean, the Faculty, or the Students' Society.

**Paul Dunn
Treasurer**

Quid Novi

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Marx & Sports

Cont'd from p. 1

smaller than Adolph Coors and barely larger than Certain Teed Corp. The answer is clear: in sports we are seeing the first cracks in the bastion of capitalism. This author would go so far as to predict that the INTERNATIONAL will soon contain verses of praise for "catfish and Andy, who screwed the owners but dandy."

Further evidence of this decay can be seen in the salaries paid to sports executives. Marx himself predicted that as the bourgeoisie sensed the coming deluge they would begin to milk the capitalist cow. Hank Peters, Baltimore Orioles G.M., earned \$85,000 in 1980, which represented .9% of what the O's grossed that year. In comparison, Edgar Bronfman made \$658,000 as Chairman of Seagrams, which only amounted to .039% of its total revenues. Even Thomas Wyman President of CBS, earned a mere .03% of that corporation's revenues.

The evidence then is irrefutable. Pro sports has become the cutting edge of a new and insidious Red Menace. Wherever freckle-faced kids play sandlot ball they are probably being taught the philosophy of Chairman Mao rather than the pick-off throw. Instead of learning to backcheck or run a post, the next generation is being weaned on Fabian Socialism.

So the next time you lay down your hard-earned cash for a couple of tickets, ask yourself: how much of that money is going right back to Uncle Yuri?

Wayne Burrows
The White House

Editor's Note: Wayne Burrows, the man in search of a myth, will be reporting from Beirut next week on why the NLBL (National Lebanese Baseball League) has difficulty importing American born athletes.

Corporate Finance

Reminder to all those students in third and fourth year who were unable to take Corporate Finance this term and who would wish the opportunity to take it in Term II if a section could be arranged: Please indicate this to S.A.O. in writing. Your notes should say that, if the section were offered, and timetabling were suitable, you would sign up for the course. You should indicate, in that note, times at which you would not be able to take the course. This is to help the Associate Dean with the timetabling of the new section. If at least 15 people leave notes to this effect at S.A.O., the Dean and the Associate Dean will endeavour to secure an instructor for the section.

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LSA Rep.'s views

What kind of Dean do we want?

J.E.C. Brierley's term as Dean of the Faculty of Law is coming to an end, and his successor will take office in June, 1984. On Tuesday, September 20, the Dean Selection Committee will hold its first meeting to discuss possible candidates for the position. In all likelihood, a choice will be presented to Principal Johnson of McGill by the end of this term.

As LSA representative on the Committee, I would like to make clear the perspective I will bring to bear on the process and to encourage suggestions and comments from all students.

I think one can identify a set of pre-conditions any possible candidate for the Deanship must fulfill:

- 1) A background in civil law -- in light of the National Programme, someone with bi-systemic credentials would be preferable. But at the very least, the Dean must be able to participate in the Québec civil law community;
- 2) Facility in French and in English;
- 3) Excellent academic credentials -- this can include the professional credentials of practitioners or members of the judiciary;
- 4) A coherent position on what direction the school should take over the next five years -- this includes a position on the Faculty Review of 1982 and the 1983 Arthurs Report on Law and Learning.

At the same time, one can identify a set of concerns which should not determine further pre-conditions:

- 1) Membership in the Faculty -- while the tradition has been to make internal appointments, the Selection Committee should be prepared to look outside the Faculty;

- 2) Administrative experience -- while the Selection Committee should weigh potential administrative ability, there is good precedent for a Dean learning administration on the job;

- 3) Fund-raising and public relations ability -- while the Dean must approach the Bar and alumni for money from time to time, other members of the Faculty may have to share this responsibility to a greater extent. In light of the Faculty Review, McGill Law School can expect a substantial injection of funds from the university. We are therefore in the fortunate position of not facing the same cut-backs other law schools face. The Faculty should use this opportunity

to build its academic reputation and to develop its teaching staff.

The selection of a new Dean will require some imagination and perhaps some boldness. Our Faculty has a unique opportunity to expand and to improve and the new Dean must be able to bring this potential to fruition.

In conjunction with the LSA, I hope to hold a number of meetings with students in order to receive suggestions as to specific candidates and general suggestions as to criteria. I encourage everyone to button-hole me on this important matter.

Richard Janda

Editorial

A Placement Officer?

All budget proposals for LSA sponsored activities must be submitted by the 23rd of September. Consequently, the LSA will be making resource allocation decisions on certain activities and determining its priorities. One proposal has been conspicuously absent: a permanent Job Placement Officer for the Faculty of Law.

LSA President Stephen Fogarty made the following proposal during last year's election campaign:

"Finding positions for graduates must be a Faculty priority. Given the increased funding anticipated by the Faculty Review, a fulltime job placement coordinator should be reinstated, supplemented by student volunteers under the direction of LSA council, as occurs at other law schools."

With the Job Bank in such disarray, the need for a Job Placement officer, be it full time or part time, is of utmost importance. Furthermore, President Fogarty promised the students a fulltime job placement officer. And with the new budgetary decisions upcoming, LSA Council should remember that the Job Placement Officer could well require some LSA financial support. We hope that President Fogarty will bring this issue to LSA Council in the immediate future.

Demetrios Xistris



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